

SENATE BILL No. 387

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-18-8-4; IC 34-18-10-11.5; IC 34-18-10-13.

Synopsis: Time limit on medical review panel proceedings. Requires that a medical review panel give its opinion within one year after the selection of the last member of the initial panel. Requires that the last member of an initial medical review panel be chosen not later than two years after a request for formation of the medical review panel is made. Adds a provision allowing a civil action against a health care provider to be commenced in a court in Indiana if the medical review panel does not give its opinion within one year after the selection of the last member of the initial panel.

Effective: July 1, 1999.

Bowser

January 11, 1999, read first time and referred to Committee on Judiciary.



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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 387

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-18-8-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. Notwithstanding
3 section 1 of this chapter, and except as provided in sections 5 and 6 of
4 this chapter, an action against a health care provider may not be
5 commenced in a court in Indiana before (†) the claimant's proposed
6 complaint has been presented to a medical review panel established
7 under IC 34-18-10 (or IC 27-12-10 before its repeal) and (‡) an opinion
8 is given by the panel. **However, if the panel does not give its opinion**
9 **within the time required under IC 34-18-10-13(b)(2):**
10 (1) **the action may be filed not later than ninety (90) days after**
11 **the date the period under IC 34-18-10-13(b)(2) ends; or**
12 (2) **if the action has been commenced under section 7 of this**
13 **chapter, the action may proceed.**
14 SECTION 2. IC 34-18-10-11.5 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 1999]: **Sec. 11.5. The last member of the**
17 **initial medical review panel must be chosen not later than two (2)**



1 **years after a party requests the formation of a medical review**
 2 **panel under section 2 of this chapter.**

3 SECTION 3. IC 34-18-10-13 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) The panel shall
 5 give its expert opinion within one hundred eighty (180) days after the
 6 selection of the last member of the initial panel. However, if:

7 (1) the chairman of the panel is removed under section 15 of this
 8 chapter, another member of the panel is removed under section 16
 9 of this chapter, or any member of the panel, including the
 10 chairman, is removed by a court order; and

11 (2) a new member is selected to replace the removed member
 12 more than ninety (90) days after the last member of the initial
 13 panel is selected;
 14 the panel has ninety (90) days after the selection of the new member to
 15 give an expert opinion.

16 (b) If the panel has not given an opinion within the time allowed
 17 under subsection (a):

18 (1) the panel shall submit a report to the commissioner, stating the
 19 reasons for the delay; **and**

20 **(2) the panel shall give its expert opinion, in any event, not**
 21 **later than one (1) year after the selection of the last member**
 22 **of the initial medical review panel.**

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